

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:22-CV-00015-FL**

ROBERT TERRACINO and  
BRADIE TERRACINO,

Plaintiffs,

v.

TRIMACO, INC.,

Defendant.

**OPPOSITION TO  
MOTION TO STRIKE**

Defendant Trimaco, Inc. (“Trimaco”) hereby submits this Opposition to the Plaintiffs’ Motion to Strike. Dkt. 68.

At the claim construction hearing on February 1, 2024, undersigned counsel committed to confirming to the Court that *Multilayer Stretch Cling Film Holdings, Inc. v. Berry Plastics Corp.*, 831 F.3d 1350 (Fed. Cir. 2016), addressed the issue of “comprising” versus “consisting of” in the context of claim construction. *See* February 1 Hearing Tr. at 37 (“Q: So claim construction is going on in that case? A: Your Honor, I’m going to check that for you 100 percent, because I was to make absolutely sure.”). On February 22, 2024, undersigned counsel received a copy of the transcript from the hearing, thereby prompting the submission of supplemental authority on this issue on February 23, 2024.

In view of the foregoing, Plaintiffs’ motion should be denied.

Dated: March 4, 2024

Respectfully submitted,

/s/ John M. Moye

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*Counsel for Defendant Trimaco, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 4, 2024, I electronically filed the foregoing *Opposition to Motion to Strike* with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to all counsel of record.

/s/ John M. Moya  
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